



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

**SECOND REVISED
MEETING AGENDA**

July 23-24, 2008

**Town of Truckee Council Chambers
10183 Truckee Airport Road
Truckee, CA 96161**

Wednesday, July 23, 2008

Regular Meeting:	3:30 p.m.
Dinner Break:	5:30 p.m.
Regular Meeting continued:	7:00 p.m.

Thursday, July 24, 2008

Regular Meeting:	8:30 a.m.
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Revision to Agenda Announcement: Item 14 has been removed from the agenda.

* **Note:** A quorum of the Regional Board will be dining on Wednesday, July 23, 2008 at 5:30 p.m. at Cottonwood Restaurant & Bar, 10142 Rue Hilltop, Truckee, CA 96161.

General Meeting Information: The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least five days prior to the meeting date at (530) 542-5414 or LApplegate@waterboards.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified. If, due to time constraints, the Water Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, July 24, 2008 beginning at 8:30 a.m. All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Water Board's projector, must provide the presentation to the Water Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

NOTICE

Submittal of Written Material for Water Board Consideration

In order to ensure that the Water Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting unless otherwise specified. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to California Code of Regulations, title 23, section 648.4, the Water Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Water Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at California Code of Regulations, title 23, section 647 et seq., and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq.

Wednesday, July 23, 2008 – 3:30 p.m.

OTHER BUSINESS

1. **Executive Officer's Report** (The Water Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)
 - **Discussion of Standing Items**
 - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
 - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**
2. **CLOSED SESSION***
 - a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
 - b. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**

* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon the evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

- c. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
- d. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**
- e. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Control Board, Lahontan Region v. Thomas E. Erickson et al., El Dorado Superior Court Case No. SC20010089. Authority: Government Code Section 11126(e).**
- f. **Discussion of Litigation: Atlantic Richfield Company v. State of California, State Water Resources Control Board, California Regional Water Quality Control Board, Lahontan Region, et al., Los Angeles County Superior Court Case No. BC380474. Authority: Government Code Section 11126(e).**
- g. **Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. The Board may meet in closed session to deliberate on evidence presented at the March 12-13, 2008 Water Board meeting concerning: Consideration of an Administrative Civil Liability Order for Everd A. McCain, B.J. Deis, and McCain and Associates for violations of (1) Waste Discharge Prohibitions specified by the *Water Quality Control Plan for the Lahontan Region*, (2) California Water Code Section 13267, (3) Clean Water Act Section 301, (4) California Water Code Section 13304, and (5) Clean Water Act Section 401 Water Quality Certification - Belfast Ranch – Skeet Dam and Buz Dam, Lassen County. Authority: Government Code Section 11126(c)(3).**
- h. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**

Wednesday, July 23, 2008 – Approximately 7:00 p.m.

INTRODUCTIONS

3. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings will be restricted. Please

refer to the Water Board's web site for a list of such matters:

http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top.

4. **MINUTES**

Minutes of the Regular Meeting of May 14-15, 2008 in Tahoe City (Laurie Applegate)

5. **ADOPTION OF UNCONTESTED CALENDAR**

Items denoted by (**) are expected to be routine and non-controversial. The Water Board will act on these items at one time without discussion. If any Water Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Water Board or by calling the Water Board's Executive Officer or the request can be made to the Water Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RENEWAL

- **6. **Susanville Sanitary District Wastewater Treatment Facility, Lassen County**
(The Water Board will consider adopting an updated permit for the wastewater treatment facility.) (Rob Tucker)

- **7. **Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit Renewal – Limited Threat Discharges to Surface Waters** (The Water Board will consider adopting a region-wide permit for limited threat discharges to surface waters.) (Dale Payne)

UPDATED WASTE DISCHARGE REQUIREMENTS

- **8. **California Department of Corrections and Rehabilitation, Correctional Center and High Desert Prison Wastewater Treatment Facility, Lassen County** (The Water Board will consider adopting updated waste discharge requirements for the wastewater treatment facility.) (Rob Tucker)

- **9. **Barstow Class III Landfill, Class II Surface Impoundments and Septage Sludge Landfarm, San Bernardino County – Board Order No. 6-97-079** (The Water Board will consider adoption of the revised waste discharge requirements for the Barstow Class III Landfill) (Christy Hunter)

ENFORCEMENT

10. **Consideration of a Settlement of Claims for Administrative Civil Liability Through the Adoption of an Administrative Civil Liability Order** for: Northstar Mountain Properties, LLC, for Violation of NPDES General Permit for Storm Water Discharges Associated With Construction Activities, State

** See Item No. 5

Water Resources Control Board Order No. 99-08-DWQ, Violation of Water Quality Certification Order Dated June 9, 2006, Violation of Prohibitions Prescribed in the *Water Quality Control Plan for the Lahontan Region*, and Violation of Cleanup and Abatement Order No. R6T-2006-0049 for the Following Projects:

- Northstar Village, WDID No. 6A31C325917**
- Northstar Intercept Lots, WDID No. 6A31C335494**
- Northstar Employee Housing, WDID No. 6A31C335581**
- Northstar Drive & Basque Road Intersection, WDID No. 6A31C329713**
- Northstar Highlands Drive and Hwy 267 Interchange, WDID No. 6A31C333755**
- Northstar Highlands Drive, WDID No. 6A31C333756**
- Northstar Drive Roundabout, WDID No. 6A31C333754**
- Northstar Highlands Resort Hotel, WDID No. 6A31C333910**
- Northstar Trailside Townhomes, WDID No. 6A31C333949**
- Northstar Schaffer's Camp Restaurant, WDID No. 6A31C324687**
- Northstar Village Run Fill Site, WDID No. 6A31C342716**

(The Water Board will consider whether to accept a proposed settlement of claims for administrative civil liability. The proposed settlement includes a \$600,000 cash payment and \$2,150,000 supplemental environmental project. A minimum 30-day public comment period was provided for the proposed settlement. Written comments on this matter were due by June 25, 2008 by 5:00 p.m. The Water Board will consider adopting or rejecting the proposed administrative civil liability order. If the Water Board rejects the proposed order, the Water Board may provide direction to the Prosecution Team.) (Eric J. Taxer)

OTHER BUSINESS

- **11. [Resolution Authorizing the Executive Officer to Sign the Record of Decision for Abandoned Landfill/Southern Sites Area, Sierra Army Depot, Lassen County](#) (The Water Board will consider authorizing the Executive Officer to sign the record of decision.) (James Brathovde)**
- **12. [California Department of Transportation, District 3, State Highway 267 Flood Protection Berm, Placer County - Exemption to Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region](#) (The Water Board will be asked to consider granting an exemption to the Truckee River Hydrologic Unit floodplain disturbance prohibition.) (Bud Amorfini)**
- **13. [Resolution Honoring Leo Poppoff for His Service as Member of the Board and His Dedication to Furthering Scientific Knowledge of the Lake Tahoe Basin](#) (Lauri Kemper)**

Item 14 has been removed from the Agenda.

- 14. ~~Public Hearing: Review of Order for Technical Report Pursuant to Water Code Section 13267 for Big Tree Cleaners, Tahoe City, Placer County (On request of the Discharger, the Water Board will consider whether to affirm, modify or withdraw an Order pursuant to Water Code section 13267 issued by the Executive Officer.) (Lisa Dernbach and Chuck Curtis)~~**

**** See Item No. 5**

15. [Report on Settlement Discussions Regarding a Potential Administrative Civil Liability Order](#) for Everd A. McCain, B.J. Deis, and McCain and Associates for violations of (1) Waste Discharge Prohibitions specified by the Water Quality Control Plan for the Lahontan Region, (2) California Water Code Section 13267, (3) Clean Water Act 301, (4) California Water Code 13304, and (5) Clean Water Act Section 401 Water Quality Certification – Belfast Ranch – Skeet Dam and Buz Dam, Lassen County, **WDID Nos. 6A180508N05 and 6A180105013** (This is an informational item only. The Water Board may provide direction to staff; however, there will be no voting or formal action taken.) (Robert S. Dodds)
- **16. [Town of Truckee’s State Route 89 and Alder Drive/Prosser Dam Road Roundabout Project - Exemption to a Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Nevada County](#) (The Water Board will consider adopting a Resolution that exempts the project from the Basin Plan waste discharge prohibition within any tributary to the 100-year floodplain of the Truckee River.) (Tobi Tyler)

Thursday, July 24, 2008 – 8:30 a.m.

INTRODUCTIONS

17. PUBLIC FORUM

Any person may address the Water Board regarding a matter within the Water Board's jurisdiction that is not related to an item on this meeting agenda. Comments will generally be limited to five minutes, unless otherwise directed by the Chair. Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting. Comments regarding matters that are under development for future meetings (see http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top) will be restricted.

OTHER BUSINESS

18. [Resolution Granting the Tamarack Fuels Reduction Project an Exemption to a Prohibition Contained in the Water Quality Control Plan for the Lahontan Region](#) (The Water Board will consider adopting a resolution granting an exemption to a Basin Plan prohibition to allow disturbance within a stream environment zone of the Lake Tahoe Basin as needed to reduce fuels and protect public health and safety.) (Andrea Stanley)
19. [Report on Proposed Changes to the Timber Waiver and Development of a Memorandum of Understanding with the Tahoe Regional Planning Agency](#) (Staff will provide a status report to the Water Board on activities to develop a revised Timber Waiver and a MOU. [Scoping comments will be summarized.](#)) (Andrea Stanley)
20. [Resolution Delegating Authority to the Executive Officer to Grant Exemptions to Basin Plan Prohibitions Regarding Development and Disturbance Within Floodplains, Stream Environment Zones, and Steep Slopes in the Tahoe Basin and Truckee River Hydrologic Unit](#) (The Water Board will be asked to adopt a resolution to expand the authority of the Executive Officer to grant exemptions to Basin Plan prohibitions. The expanded authority will authorize the Executive Officer to grant

exemptions for any size project where the project is necessary for public health and safety.) (Taylor Farnum)

21. **Carson River Watershed Regional Floodplain Management Plan, Alpine County** (The Water Board will be briefed on the draft plan developed by the Carson Water Subconservancy District and the Carson River Coalition River Corridor Working Group. This is an informational item and the Water Board will not be taking any action. However, the Water Board may provide direction to staff.) (Harold Singer)
22. **Reports by Chair and Board Members** (Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Water Board's jurisdiction. The Water Board may provide direction to staff; however, there will be no voting or formal action taken.)

ADJOURNMENT

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board), may petition the State Water Resources Control Board (State Water Board) to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water Board's meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

Note: A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435, ttyler@waterboards.ca.gov

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413, cmitton@waterboards.ca.gov

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Lahontan Water Board will be considering many items during this meeting which may result in Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Government Code section 11455.10).

The Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Government Code section 11455.30).

CALIFORNIA WATER QUALITY CONTROL BOARD

LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400
Branch Office: 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583

LAHONTAN WATER BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
Jack Clarke, Chair	Apple Valley	Water Supply
Mike Dispenza	Palmdale	Municipal Government
R. Keith Dyas	Rosamond	Industrial Water Use
Amy Horne, Ph.D.	Truckee	Rec., Fish and Wildlife
Don Jardine	Markleeville	County Government
Eric Sandel, Vice Chair	Truckee	Water Quality
Susan J. Van Dam	Barstow	Irrigated Agriculture
Vacant		Public
Vacant		Water Quality

LAHONTAN WATER BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer and Ombudsman	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup and Enforcement Division
Chein Kao, Chief, Leviathan Mine Unit
Scott Ferguson, Chief, Enforcement & Special Projects Unit
Richard Booth, Chief, Cleanup and Site Investigation Unit

Lauri Kemper, Manager, North Lahontan Watersheds Division
Alan Miller, Chief, North Basin Regulatory Unit
Doug Smith, Chief, TMDL Unit
Douglas Cushman, Chief, Non-Point Source Unit

Victorville Office: Mike Plaziak, Manager, Southern Lahontan Watershed Division
Cindi Mitton, Chief, South Basin UST/DOD/SCP Unit
Patrice Copeland, Chief, South Basin Regulatory Unit

The primary responsibility of the Water Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda or scheduled for a future meeting.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting, or according to the deadlines specified in the Notice of Public Hearing for the agenda item.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (**) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Water Board within 30 days of the Lahontan Water Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Lahontan Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Water Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Water Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Water Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code section 11126 (a), (c)(3) and (e).